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June 20, 2006

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF LIPHARDT TITLED "ALIGNMENT OF ELLIPSOMETER
BEAM TO SAMPLE SURFACE";
SERIAL NO. 10/684,088;
FILE DATE: 10/12/2003;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI

RESPONSE AFTER FINAL

Dear Sir;

I am in receipt of an Action dated 06/16/06 regarding the identified Application.

The Examiner has continued rejection under a Patent to Xu (6,590,656) in view of a Patent to Ono (6,259,174).

This Response is sent following a telephone conversation with Examiner Akanbi on 06/21/06. It was decided that I would present this Response after Final and that if problems remained we would schedule a telephone interview. I request such a Telephone Interview at this time should problems remain.

Applicant makes no change to Claims 1 - 18 submitted in a Response filed 20 March 2006, but rather simply includes herein clarification of the previously submitted Argument to the effect that the Xu Patent does not suggest a rotatable stage as is

required in the present invention for use in aligning a sample. Further, another definite difference is that Xu recites a single source of electromagnetic radiation and the present invention as Claimed recites two sources. In addition, the Claims to the present invention were previously Amended to require that Alignment Detector elements closely surround a hole through which a beam passes. This avoids interpretation of the Detectors SE Spectrometer (34) and Spectro Reflectometer (60) in Xu as the detector elements referred to in the present invention as it is Claimed. Please refer to the Claim set as previously submitted on 20 March 2006 for the present invention. No changes are made thereto herein.

Finally, it is emphasized that the present invention is a focused on alignment of a sample. The Xu Patent assumes that a sample is aligned and is silent on how its achieved or providing a system therefore. Other than provide means for translating the sample, the Xu system does not provide for sample movement.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.


JAMES D. WELCH

4/23/06
DATE